

# Exhibit G



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December 2, 2019

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**Re: Various JPay customers in the MDOC system**

Dear Beth and Benjamin,

I write to you on behalf of the below-listed clients who have disputes with JPay over the provision of products and services related to MP3 players, music, games, and e-mail communications. Plaintiffs are inmates within the Michigan Department of Corrections.

Plaintiffs have lost money due to serious deficiencies in the JPay system. For more details of the general nature of the losses, Plaintiff refers JPay to the Allegations in *Kensu v. JPay* (2:18-cv-11086, E.D.MI). More specifically, the following is a list of the Plaintiffs and their complaints. Although we write this letter collectively, each Plaintiff will seek their own arbitration.

- Nolan Hall #204275, Lakeland Correctional Facility  
Mr. Hall lost approximately \$1,000.00 from the JPay system for the following reason: unable to access eMessages, battery swelling issues and attachments have been omitted.
- Lawrence Lowe-Bey #137849, Lakeland Correctional Facility  
Mr. Lowe-Bey lost approximately \$1,000.00 from the JPay system for the following reasons: purchase issues, unable to

access eMessages, battery swelling issues, loss of stored music, and unable to access stored music.

- Amy Nowak #191751, Women's Huron Valley Correctional Facility

Ms. Nowak lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access eMessages, purchase issues, battery swelling issues, charging issues and attachments have been omitted.

- Dominiqua Pye #337715, Women's Huron Valley Correctional Facility

Ms. Pye lost approximately \$1,000.00 from the JPay system for the following reason: unable to send eMessages, unable to access eMessages attachments, purchase issues and attachments have been omitted.

- Jeffrey Watts #554960, Macomb Correctional Facility

Mr. Watts lost approximately \$1,000.00 from the JPay system for the following reason: unable to access eMessages and attachments have been omitted.

- Lawanda Hampton #242913, Women's Huron Valley Correctional Facility

Ms. Hampton lost approximately \$1,000.00 from the JPay system for the following reason: battery swelling and charging issues.

- Phillip Reed #517268, Lakeland Correctional Facility

Mr. Reed lost approximately \$1,000.00 from the JPay system for the following reason: unable to access eMessages, attachments have been omitted, battery swelling issues and charging issues.

- Robert Moore #203977, Lakeland Correctional Facility

Mr. Moore lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access stored music, unable to send eMessages, unable to access

eMessages, attachments have been omitted, purchase issues and battery swelling issues.

- Tracy Martin #172124, Lakeland Correctional Facility  
Mr. Martin lost approximately \$1,000.00 from the JPay system for the following reason: attachments have been omitted and battery swelling issues.
- Shawn-Michael Levan #839054, Lakeland Correctional Facility  
Mr. Levan lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access stored music, attachments have been omitted and battery swelling issues.
- Eddie Jones III #308388, Lakeland Correctional Facility  
Mr. Jones lost approximately \$1,000.00 from the JPay system for the following reason: unable to send eMessages, unable to access eMessages, attachments have been omitted and battery swelling issues.
- Joe Jackson #160762, Lakeland Correctional Facility  
Mr. Jackson lost approximately \$1,000.00 from the JPay system for the following reason: battery swelling issues.
- Marcus Greenlee #209609, Lakeland Correctional Facility  
Mr. Greenlee lost approximately \$1,000.00 from the JPay system for the following reason: battery swelling issues.
- Denson Green #264976, Lakeland Correctional Facility  
Mr. Green lost approximately \$1,000.00 from the JPay system for the following reason: attachments have been omitted and battery swelling issues.
- Steven Graham #193576, Lakeland Correctional Facility  
Mr. Graham lost approximately \$1,000.00 from the JPay system for the following reason: purchase issues, battery swelling issues and charging issues.



- Atonio Cummings #246463, Lakeland Correctional Facility  
Mr. Cummings lost approximately \$1,000.00 from the JPay system for the following reason: unable to access eMessages, attachments have been omitted and battery swelling issues.
- Donjuell Chaney #234097, Lakeland Correctional Facility  
Mr. Chaney lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access stored music, battery swelling issues and charging issues.
- Cornelius Brown #212722, Lakeland Correctional Facility  
Mr. Brown lost approximately \$1,000.00 from the JPay system for the following reason: battery swelling issues.
- James Vernon Hughes #381424, Lakeland Correctional Facility  
Mr. Hughes lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access stored music, unable to send eMessages, unable to access eMessages, attachments have been omitted, purchase issues, battery swelling issues and charging issues.
- Ursula Heard #216080, Women's Huron Valley Correctional Facility  
Ms. Heard lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to send eMessages, unable to access eMessages, attachments have been omitted and charging issues.
- Jheri Campbell #513324, Lakeland Correctional Facility  
Mr. Campbell lost approximately \$1,000.00 from the JPay system for the following reason: loss of stored music, unable to access eMessages, battery swelling issues and charging issues.
- Richard Curry #152637, Lakeland Correctional Facility  
Mr. Curry lost approximately \$1,000.00 from the JPay system for the following reason: unable to access stored music and purchase issues.

- Retta Huggins #244482, Women's Huron Valley Correctional Facility

Ms. Huggins lost approximately \$1,000.00 from the JPay system for the following reason: charging issues.

I write to you today to seek concurrence on resolving these claims through arbitration as set forth in the JPay contract in effect on April 4, 2018 when the Kensu complaint was filed. As you are aware, Temujin Kensu filed a case on behalf of himself and all others similarly situated in the Eastern District of Michigan (2:18-cv-11086). In that matter, JPay took the position that Plaintiff would be required to arbitrate the matter and there was a class action waiver. While the question of arbitration has been resolved, there is still the question of whether there is an enforceable class action waiver. As such, it is our position that the above client's individual claims have been tolled in accordance with *American Pipe & Construction v. Utah*, 414 U.S. 538, 553 (1974). Tolling will remain in effect until the question of the class action waiver is resolved by the arbitration panel.

Therefore, the above client requests that his individual claim be arbitrated in the same manner as Kensu's claim. As JPay is aware, the contract in force names JAMS as the arbitrator and that JAMS will no longer arbitrate JPAY claims. Therefore, it is necessary for the parties to agree to a different arbitration organization or Plaintiff will be required to file a case in court seeking the court to name a new arbitrator. Given that JPay has now selected AAA as the arbitrator and that arbitration shall take place under the consumer rules, it would seem logical that JPay would want to arbitrate the instant claims under the same rules.

As with Kensu, because there is no inconsistency with a three-arbitrator panel under the AAA consumer rules, Plaintiffs accept JPay's call for three arbitrators. With that in mind, we propose the same conditions as Kensu:

1. Plaintiff will submit this dispute to arbitration before the American Arbitration Association ("AAA"). Plaintiff reserves the right to challenge the validity of the Parties' arbitration agreement in the course of arbitration before AAA.
2. Arbitration will be conducted pursuant to AAA's Consumer Arbitration Rules before a panel of three arbitrators.

3. Any in-person arbitration hearings will take place within 50 miles of where Plaintiff is housed. The Parties reserve the right to request telephonic arbitration.

As mentioned above, this letter should not be construed as a waiver of Plaintiff challenging the validity of the arbitration agreement or the underlying agreement itself. It is simply a concession by Plaintiff that we will agree that the three-arbitrator panel may hear the question on arbitrability of the underlying claim. If JPay consents to the above terms, please sign the attached consent so that we may proceed with the arbitration.

If we do not hear from JPay within 14 days, we will assume that JPay is abandoning the arbitration portion of the agreement and that Plaintiffs may proceed in Court for all purposes related to their claims.

Sincerely,

/s/ Keith Altman

Excolo Law, PLLC

Attorney for Plaintiffs



**AGREEMENT TO ARBITRATE UNDER AAA CONSUMER RULES**

RE: The following prisoners in the MDOC system

Nolan Hall #204275, Lakeland Correctional Facility

Lawrence Lowe-Bey #137849, Lakeland Correctional Facility

Amy Nowak #191751, Women's Huron Valley Correctional Facility

Dominiqua Pye #337715, Women's Huron Valley Correctional Facility

Jeffrey Watts #554960, Macomb Correctional Facility

Lawanda Hampton #242913, Women's Huron Valley Correctional Facility

Phillip Reed #517268, Lakeland Correctional Facility

Robert Moore #203977, Lakeland Correctional Facility

Tracy Martin #172124, Lakeland Correctional Facility

Shawn-Michael Levan #839054, Lakeland Correctional Facility

Eddie Jones III, Lakeland Correctional Facility

Joe Jackson #160762, Lakeland Correctional Facility

Marcus Greenlee #209609, Lakeland Correctional Facility

Denson Green #264976, Lakeland Correctional Facility

Steven Graham #193576, Lakeland Correctional Facility

Atonio Cummings #246463, Lakeland Correctional Facility

Donjuell Chaney #234067, Lakeland Correctional Facility

Cornelius Brown #212722, Lakeland Correctional Facility



James Vernon Hughes #381424, Lakeland Correctional Facility

Ursula Heard #216080, Women's Huron Valley Correctional Facility

Jheri Campbell #513324, Lakeland Correctional Facility

Richard Curry #152637, Lakeland Correctional Facility

Retta Huggins #244482, Women's Huron Valley Correctional Facility

### CONSENT FOR ARBITRATION

Although the contract between the parties does not specific AAA as the arbitration organization for disputes, the parties request that AAA arbitrate the dispute under the following terms:

1. Plaintiffs will submit this dispute to arbitration before the American Arbitration Association ("AAA") on an individual basis. Plaintiffs reserve the right to challenge the validity of the Parties' arbitration agreement in the course of arbitration before AAA.
2. Arbitration will be conducted pursuant to AAA's Consumer Arbitration Rules before a panel of three arbitrators.
3. Any in-person arbitration hearings will take place within 50 miles of where Plaintiffs are housed. The Parties reserve the right to request telephonic arbitration.

Date: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ By: \_\_\_\_\_

Keith Altman, Esq.

Name: \_\_\_\_\_

Excolo Law, PLLC

Title: \_\_\_\_\_

Attorney for Plaintiff

On behalf of JPay